

**TOWNSHIP OF WELLINGTON NORTH
PUBLIC MEETING - MINUTES
MONDAY, OCTOBER 19, 2015 AT 7:07 P.M.**

The Public Meeting was held at the Municipal Office Council Chambers, Kenilworth to consider a Zoning Amendment application.

Present:

**Mayor: Andy Lennox
Councillors: Sherry Burke
Steve McCabe
Dan Yake**

Also Present:

**C.A.O./Deputy Clerk: Michael Givens
Clerk: Karren Wallace
Treasurer: Paul Dowber
Executive Assistant: Cathy Conrad
Chief Building Official: Darren Jones
Director of Public Works: Matthew Aston
Economic Development Officer: Dale Small
Senior Planner: Linda Redmond**

Mayor Lennox called the meeting to order.

Declaration of Pecuniary Interest:

None declared.

OWNER/APPLICANT: Community Living Guelph Wellington

The Location of the Subject Land is described as Part Lots 9 & 10, Registered Plan 61R-7923, Part 3, with a municipal address of 235 Murphy Street, Mount Forest. The land has an area of 0.52 hectares (1.3 acres).

The Purpose and Effect of the Application is to rezone the subject lands to permit a group home. The group home will provide a residence for developmentally disabled adults. The lands are currently zoned Unserviced Residential (RIA). Group homes are a permitted use in all residential zones except R1A.

Please note – Section 34 (12) of the Planning Act.

(12) Information. – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.

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Notice for this public meeting was sent to property owners within 120 m of the subject property and required agencies and posted on the property on September 25, 2015 pursuant to the legislation.

PRESENTATIONS

Linda Redmond, Senior Planner, reviewed her comments dated October 15, 2015.

This amendment would rezone the subject lands to a Residential exception (RIA) zone to allow a group home in addition to the permitted uses in an R1A zone. The group home is proposed to accommodate developmentally disabled adults. The proposal is consistent with the Provincial Policy Statement and conforms to the Official Plan policies which encourage a variety of housing types to satisfy the present and future social, health and well-being requirements of residents of the regional market area. This proposal will also provide opportunities for special needs housing to address the needs of seniors and persons with physical sensory and mental health disabilities. This application maintains the general intent and purpose of the Official Plan and Zoning By-law.

The subject property is 0.56 ha. (1.39 ac) and is located at the southern most point of the Mount Forest Urban boundary. The property has frontage on Murphy Street and is legally described as Part Lots 9 & 10, Registered Plan 61R-7923, Part 3. The property is currently occupied by a residence.

The property is currently zoned Unserviced Residential (R1A) in the Township of Wellington North Zoning By-law 66-01 and designated Residential (special policy PA6-2) in the County of Wellington Official Plan. The surrounding land uses are primarily residential and agricultural. The lands to the south and west include residential. The lands to the north include the Saugeen River and the lands to the east are agricultural.

The purpose of the application is to rezone the subject lands to permit a group home. The group home will provide a residence for developmentally disabled adults. The Wellington County Official Plan provides consideration for the establishment of group homes in residential areas within the Urban Area of the County. This amendment would facilitate this proposal.

Rezoning's are subject to the Provincial Policy Statement (PPS) and decisions of a Council are required to be "consistent" with it (Section 4.2). The subject property is considered to be within a SETTLEMENT area. The PPS states under Section 1.1.1(f) that, "healthy, livable and safe communities are sustained by improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society". Furthermore, section 1.4.3 of the PPS also directs municipalities to permit and facilitate "all forms of housing to meet the social, health and well-being requirements of current and future residents, including special needs requirements". The legislation places a positive obligation on municipalities to facilitate housing for people with special needs.

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The PPS defines “special needs” as follows:

Means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.

According to Schedule A6-1 (Mount Forest) of the Wellington County Official Plan, the property is designated RESIDENTIAL. The subject lands are also located within a special policy area PA6-2 which identifies this area as an area that may be developed with less than full municipal services.

In regards to Special Needs and Senior Housing Section 4 of the County Plan outlines the general County policies that should apply throughout the County of Wellington. The main applicable policy, Section 4.4.2, deals with housing variety and states, “the County will provide for a variety of housing types to satisfy the present and future social, health and well-being requirements of residents of the regional market area. The plan further identifies special needs and seniors housing and states in Section 4.4.6, “the County will provide opportunities for special needs housing to address the needs of seniors and persons with physical sensory and mental health disabilities”.

The Official Plan defines “special needs” as follows:

Special needs means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory, or mental health disabilities, and housing for the elderly.

In regards to the Residential Designation the policies of Section 8.3.2 of the Official Plan set out a number of objectives for residential development including, b) “to provide a variety of dwelling types to satisfy a broad range of residential requirements, and d) to support the development, at appropriate locations and densities of residential facilities that meet the housing needs of persons requiring specialized care.”

In considering new locations for Residential Areas, the Official Plan requires such uses to be compatible with surrounding properties and not create adverse impacts on existing uses. The subject lands are located in a primarily residential area that is characterized by large lots on individual on-site services. The group home is proposed to be located within the existing residence and function as such. When looking at the facilities, activities and functions of land there is nothing to indicate that there are external impacts such as parking, traffic or garbage associated with group homes beyond those of a typical residential use. Nor is there anything to justify treating group homes as a separate use. On this basis alone you could choose to eliminate group homes as a separate use category.

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However because group homes are licensed facilities, are supervised and their residents are cared for by group home operators (as opposed to living independently), these facilities are maintained as a separate residential use for zoning purposes.

The Urban Centre policies of Section 11.2.4 indicates that municipal services is the preferred method of servicing in all urban centres, however recognizes existing situations in which individual on-site servicing may be appropriate. Section 11.2.4 c) indicates, “individual on-site servicing is not allowed in urban centres which have municipal services except: i) to provide for the continued use of lots developed on individual on-site services and ii) to allow a small scale use on an existing lot in an area where municipal services are not reasonably anticipated.” In this instance the property is located in an area of Mount Forest that is currently not on municipal sewers and water. It is our understanding that municipal services are not planned for this area of Mount Forest and is further identified in the special policy (PA6-2) in the plan.

DRAFT ZONING BY-LAW

The subject lands are zoned Unserviced Residential (R1A). The proposed zoning will add a site specific exemption to the R1A zoning to permit a group home on the subject lands. A group home is currently defined as:

Group Home shall mean a single dwelling unit in a free standing building in which a range of three to ten residents (excluding staff or the receiving family) live under supervision and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being.

Section 6.13.2 of the zoning by-law provides the following criteria for Group Homes.

a). A group home shall be separated by a minimum liner distance of 300.0 m (984.3 ft) from another group home. This distance shall be measured at the closest points on the property lines of the two lots.	There is no group home currently existing within 300 m of the subject lands. It should be noted however that minimum separation distances (MSD) between group homes is no longer suitable criteria when determining location. Furthermore there is substantial case law indicating that this criteria forms a barrier for older persons and persons with disabilities and is contrary to the PPS.
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b). A group home shall provide a minimum of 1 parking space for every 2 beds or fraction thereof.	The property has adequate legal parking to accommodate this requirement. It should be noted that there is a discrepancy in the by-law for parking. Section 6.27 (Parking) requires 1 space per bed which is more restrictive, however when applying this standard there is still adequate parking. It
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	should also be noted that there is adequate area on site to accommodate a group home with the maximum number of residents of 10.
c). A group home shall have a minimum gross floor area of 18.0 m ² (193.8 ft ²) for each resident 16 years of age or older, and 9.0 m ² (96.9 ft ²) for each resident who is less than 16 years of age. For the purposes of this section, a group home resident includes staff and/or receiving family.	The dwelling is approximately 1700 sq.ft. according to MPAC records. This meets the criteria.
d). A group home shall provide a minimum common amenity area of 12.0 m ² (129.2 ft ²) for each resident. For the purposes of this section, a group home resident includes staff and/or receiving family.	The residence is situated on a 1.39 ac. Parcel. This would adequately accommodate this requirement.
e). Each group home shall be subject to all applicable Provincial and Municipal requirements.	
f). Each group home shall be connected to an adequate potable water supply and an adequate private sewage treatment facility	The residence is serviced by private septic and municipal water. The septic requirement for a group home is based on number of bedrooms. This is the same standard applied to a residence as that is what this use is. Should the group home add more bedrooms then what is existing the septic needs would be reviewed at the time of building permit.

Concerns have been raised related to an increase in traffic to this dwelling. This use is a residential use and will experience the same traffic that other residential uses would encounter. There is specific parking criteria which has to be met. The residents will not have a vehicle, which means that the majority of the traffic will be generated from care workers, visitors and deliveries. Many residential homeowners and tenants also receive services at their homes that would include such things as care-giving, cleaning, meal delivery etc.

The group home must meet the same building code standards and restrictions as the surrounding residential neighbourhood. There are no exterior changes proposed other than to accommodate accessibility needs. These changes do not change the character of the neighbourhood and do not intensify the use of the area.

The group home is limited in its growth by the size of the dwelling, available parking and septic restrictions. This criteria is what is applied to all residential uses.

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The home will have an area (room) which will be used as an office area for the staff. This area is used to make phone calls, keep the record book, scheduling and medication storage. It would be considered the equivalent of a home office. The current and proposed zoning would not permit administrative offices which would be considered business or professional offices for the purposes of the zoning by-law. This type of use is permitted in a commercial zoning category which would require a zone amendment and is defined as follows:

BUSINESS OR PROFESSIONAL OFFICE, means a building, structure or parts thereof in which one or more persons are employed in the management, direction or conducting of a business, or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and may include the administrative offices of a not for profit or charitable organization.

REVIEW OF CORRESPONDENCE RECEIVED BY THE TOWNSHIP

- Michael Oberle, Environmental Planning Technician, SVCA
 - No Objection.
- Erroll G. Treslan, The Alliance of Kirby, Robinson, Treslan and Brian Barrie, Barristers and Solicitors. Solicitors for David Comissiong and Patricia Wickson, 215 Murphy Street
 - Objection.
- Paul and Glenna Ruffolo, 210 Murphy Street
 - Opposed in principal.

BY-LAW

The by-law will be considered at a regular council meeting at a later date. Persons wishing notice of the passing of the By-law must submit a written request.

MAYOR OPENS FLOOR FOR ANY QUESTIONS/COMMENTS

The Applicants representatives were present to answer any questions regarding this application. Bob Butella, representing the applicant, stated that Community Living operates 36 residential sites across the County of Wellington and the City of Guelph with an average of 8.3 residents per site. The layout of this site limits the uses and the number of residents. They are trying to ensure mutual privacy for everyone and will be planting trees on the western side of the property.

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David Comissiong, 215 Murphy Street (property adjacent to subject property), stated that he has concerns with the procedure that has taken place. Mr. Comissiong commented that the usual commercial practice is to make rezoning a condition of purchase. In this case the property was purchased and it was expected to be rezoned afterwards. Community Living has not been open and transparent and refuses to discuss plans with the neighbours. The zoning by-law was written in 2001 giving the land its R1A designation because of fewer services available. Septic needs would be dealt with at the time of a building permit application for more bedrooms. According to the Planning Report there could be 8.5 residents based on the size of the house. Community Living originally stated that they wanted to place three residents. Two Thirds of the property is unusable because of bush land. Mr. Comissiong expressed concerns with the number of parked cars, population density, security and traffic. The level of activity is also an issue. Mr. Comissiong felt that this is institutional and not compatible with the neighbourhood and not good land use planning. He noted that a surveyor was recently seen taking measurements along the west side of the property and suggested there may soon be a severance application.

Mr. Butella stated that the surveyor was there to ensure that the trees will be planted on their property. The current zoning would allow for a family of eight to live there.

Brenda Gilstorf, 220 Murphy Street, expressed concern with the way this application proceeded. Ms. Gilstorf stated that she knows the importance of group homes and understands that the unionized workers have specific tasks. She does not want to see the property become run down. There is one resident living in the basement; which should not have occupancy of more than 25%. There are up to four cars a day entering the property. Ms. Gilstorf was concerned Community Living can change the looks and use of the property. One neighbour would not come to the meeting to oppose because of how it may be perceived to be opposed to a group home. Ms. Gilstorf stated that she is disgusted with how much money is being spent on renovations and felt it is an abuse of provincial funding.

Mr. Butella stated that they strive to maintain the homes in a good state of repair.

Karin Sikkema, 230 Murphy Street, moved to her property at the end of August and was surprised to find out about the group home. Ms. Sikkema stated that she has worked in group homes and nursing homes. She is not opposed to the group home but is concerned with expansion and questioned what the limit is. Ms. Sikkema is also concerned with the river behind the property, lack of sidewalks and safeguards to prevent residents from wandering.

John Jeffrey, owner of lot at 205 Murphy Street, advised that they concur with the neighbours. Mr. Jeffrey stated that the first they knew about the group home was when they received a Notice of Public Meeting from the Township. A large number of residents in the home is of concern to them.

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Patricia Wickson, 215 Murphy Street, stated that she is concerned that they put in a commercial telecom system; but, the municipality wasn't going to enforce it.

COMMENTS/QUESTIONS FROM COUNCIL

Councillor Yake stated that the letter from Community Living, dated March 27, seems to have misled neighbours as it referred to up to three residents; but now there is consideration for up to ten. Linda Redmond explained that three to ten residents comes directly from the definition in the Zoning By-law. The intention of Community Living has always been three residents. The by-law can restrict occupancy to three.

Councillor Burke commented that in speaking with neighbours, concerns were raised about pedestrian safety. If the by-law is being amended to limit residents to three she would also like to include a restriction that it cannot be used for a satellite administrative office. Mayor Lennox stated that the current zoning by-law would limit the administrative use. Ms. Redmond explained that a commercial zoning would be required to have an administrative office.

Mr. Commissioning asked if the owner of the property would be entitled to ten residents under this designation. Mike Givens, CAO, explained that Council's decision would be site specific.

Councillor Yake questioned how it would be monitored. Mayor Lennox stated that it would be up to the Township in terms of zoning by-law enforcement.

ADJOURNMENT

RESOLUTION 10

Moved by: Councillor Burke

Seconded by: Councillor McCabe

THAT the Public Meeting of October 19, 2015 be adjourned at 7:55 p.m.

CARRIED

CLERK

MAYOR